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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,077	07/08/2003	Birgit Kreft	824/40746	8303

7590 11/14/2005

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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT PAPER NUMBER

3637

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/614,077

Applicant(s)

KREFT ET AL.

Examiner

James O. Hansen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings were received on August 31, 2005. These drawings are approved by the examiner.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lautenschlager [U.S. Patent No. 5,039,181] in view of Domenig [U.S. Patent No. 5,636,820]. The examiner has taken the position that the invention is directed towards a fitting, a guide rail and a wall. Lautenschlager (figures 1-17) teaches the combination of a guide rail (18) with a web-shaped holding element (20), a wall (12) and a fitting (24); the fitting having an upper wall and a lower wall (note the vertical wall members extending from the base plate as depicted in fig. 2 for example) that are connected together by a rearward wall (base plate) and a forward wall (depicted as 30 in fig. 2), respectively, on a guiding section (figs. 2 & 4) of the fitting, and the holding element being adapted to be displaceably received in the guiding section. The guide rail being adapted to be continuously displaceable between a first end position in which a portion of the holding element rests against the guiding section [element

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partially seated within the fitting], and a second end position in which the holding element rests wholly within the guiding section [element fully seated]. Wherein the element is held in a clamping manner in the guiding section as readily apparent to the examiner, wherein the element has two legs (viewed as the leg members on either side of the elongated slot (38) of the element) that can be inserted into a receiving element (note fig. 4) formed on the guiding section as readily apparent to the examiner, wherein the element may be mounted into the guiding section by combining a sliding and pivoting movement as readily apparent to the examiner [depending upon the angle of insertion due to a constricted work environment as an example], wherein the element is guided in an area of the section in an essentially form-locking manner of the fitting (when the element is confined between the walls of the fitting) as readily apparent to the examiner, wherein the section includes a web (broadly viewed as one of the slotted sections), and an edge of the web rests on a "profiling" (broadly viewed as one of the mating slotted sections (26)) of the element, wherein at least one plug (50, 52) is shaped onto the rearward wall of the fitting and is fitted into an opening (called perforations in the specification) of the wall, wherein the plug has a flange section (58) and the wall is between the flange section and the rearward wall of the fitting after the plug is fitted into the opening (clearly shown in figure 1), wherein the rail is substantially C-shaped in cross section (fig. 3) and the element is bent away from a center section of the guide rail (fig. 3), wherein the guiding section is constructed to be elastic (flexible) as best understood by the examiner, and wherein the "profiling" is curved (note the curved or serrated "profiling" as defined above). Lautenschlager teaches applicant's inventive claimed structure as disclosed above, but does not show the fitting having a side wall spaced away from the guiding section. Domenig is cited

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as an evidence reference to show that it was known in the art to incorporate a side wall (52) on a fitting (10) so as to limit the removal of the holding element (22) within a guiding section. Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the fitting of Lautenschlager so as to incorporate a stop as taught by Domenig because this arrangement would provide Domenig with a means to prevent withdrawal of the drawer guide holding element when seated within a guiding section on the fitting [col. 3 line 67 to col. 4 line 1]. Consequently, the guide rail would be capable of being continuously displaceable between a first end position in which the guide rail rests against the guiding section, and a second end position in which the guide rail rests against the side wall, wherein a distance between the side wall and the guiding section of the fitting would be smaller than the longitudinal length of the element of the guide rail as readily apparent to the examiner.

Response to Arguments

5. Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can normally be reached on Monday-Friday between 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James O. Hansen
Primary Examiner
Art Unit 3637

JOH
November 8, 2005